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SUBJECT: U.S. SOLDIER BASED AT EMBASSY INVOLVED IN FATAL MOTOR
VEHICLE ACCIDENT WITH LOCAL PEDESTRIAN

¶1. (U) On June 25, 2007, at approximately 0950 hours, an Amcit active duty U.S. Army soldier (E-4 Specialist) based at the U.S. Embassy in Addis Ababa was involved in a fatal motor vehicle accident resulting in the death of a Ethiopian national pedestrian (female, 40 to 50 years of age).

¶2. (U) The soldier was driving a vehicle rented by his organization from his residence in Addis Ababa en route to the Embassy. Another soldier serving with the same organization was a passenger in this vehicle. The Ethiopian female pedestrian reportedly crossed the street into the direction of the vehicle's travel from a blind spot (behind a transit bus), when she struck the vehicle's passenger side door in the area of the side view mirror.

¶3. (U) After the accident, the soldiers reportedly continued driving approximately one quarter to a half a mile where they located a police officer and reported the accident. The police officer boarded the vehicle and returned to the scene of the accident with the soldiers. The pedestrian was reportedly lying on the ground with her head covered by a plastic bag, presumably deceased.

¶4. (U) A large crowd of local bystanders was at the scene, some acting in a hostile manner (yelling and spitting on the soldiers). The bystanders loaded the female pedestrian into the soldier's vehicle, and the soldiers proceeded to a local hospital accompanied by the police officer.

¶5. (U) Upon arriving at the hospital, the pedestrian was officially declared deceased. The soldiers contacted Addis Ababa MSG Post 1 at 1055 hours via cell phone. MSG Post 1 notified the Regional Security Office (RSO), and the Embassy's Local Guard Force (LGF) mobile patrols were dispatched to the hospital, followed by the RSO Foreign Service National Investigator (FSNI) and Assistant RSO (ARSO).

¶6. (U) The LGF mobile patrol, FSNI, and ARSO remained with the soldiers for the duration of the day, proceeding from the hospital to the local morgue, to the scene of the accident (to document the incident) and eventually the local traffic police command.

¶7. (U) While the soldier driving the vehicle had an Ethiopian driver's license, he did not possess a diplomatic identity card granting him the necessary immunities from arrest. Throughout the course of the day, the Embassy's RSO, Management Officer, and Defense Attach contacted their respective local contacts in an effort to resolve this matter. The Director General of the Ethiopian Police agreed to release the soldier to the custody of the Embassy in accordance with the Status of Forces Agreement (SOFA) in effect, with the assurance from the Chief of Mission and RSO that he would not leave the country until this matter is resolved.

¶8. (SBU) At approximately 1945 hours, the soldier was released and returned to the Embassy compound with the ARSO. The soldier agreed to not leave the Embassy compound until this matter is resolved (he will reside in a residence on the compound and not leave for any

reason). The soldier's Commanding Officer (Captain) understands this situation and expressed his support and appreciation for the efforts taken to resolve this matter. In accordance to the SOFA, it is unlikely the soldier will face criminal charges. However, a local compensation board will likely require that compensation be paid to the victim's family. The day after the accident, the soldier was issued a diplomatic identity card (already in process) from the Ministry of Foreign Affairs, providing him protection from criminal prosecution but not civil immunities.

¶9. (SBU) On June 27, RSO met with the Director General (DG) of the Ethiopian Federal Police to express appreciation for the assistance rendered, as well as to seek guidance on this matter. The DG advised RSO that the police investigation was completed and that the matter would be referred to the prosecutor's office upon completion of the autopsy report. The DG stated that given the immunities provided by the SOFA and the soldier's diplomatic status, criminal prosecution was not likely; however, a civil case (seeking monetary compensation for the victim's family) was likely. The DG recommended that the Embassy engage an attorney to follow this case and bring all the various elements together to closure.

¶10. (SBU) COMMENT: Motor vehicle accidents involving vehicles and pedestrians are almost always locally adjudicated in favor of the pedestrian regardless of the situation. Expatriate motorists face an even more difficult situation in these types of situations. The RSO has no reason to believe this incident was anything more than a unfortunate accident resulting in a tragic death of a pedestrian who suddenly entered the roadway into the direction of the vehicle's travel.

¶11. (SBU) The Director General of Police is a close and readily available contact for the Embassy, and deserves special recognition for quickly ordering the release of the soldier in light of possible public criticism. It is in the best interest of all concerned that

the USG quickly resolve this situation in accordance with local custom and jurisprudence. Failure to do so could complicate bilateral relations between the U.S. and Ethiopian military. END COMMENT.

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